



General Assembly

February Session, 2008

Raised Bill No. 636

LCO No. 2942

02942____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING RESOURCES RECOVERY FACILITY
CONTRACTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) On and after December
2 31, 2008, no owner or operator of a resources recovery facility, as
3 defined in section 22a-207 of the general statutes, or a facility for
4 disposal or recycling of ash residue from a resources recovery facility,
5 shall charge a tipping fee or other fee for disposal of such municipal
6 solid waste or ash residue at such facility in excess of the rate
7 approved by the Department of Public Utility Control. The provisions
8 of this subsection shall not apply to any owner or operator of a
9 resources recovery facility or facility for the disposal or recycling of
10 ash residue from a resources recovery facility that (1) is a quasi-public
11 authority, political subdivision of the state, operating committee
12 established pursuant to subsection (c) of section 22a-221 of the general
13 statutes or regional or municipal authority, or (2) on the effective date
14 of this section, has a written contract with an operating committee for
15 disposing municipal solid waste or ash residue at such facility and the
16 operating committee establishes the tipping fee for disposal of solid

17 waste or ash, provided the exception in this subdivision shall only
 18 apply during the term of such contract or any extension of such
 19 contract.

20 (b) Any rate approved by the Department of Public Utility Control
 21 pursuant to this section shall (1) be just and reasonable; and consistent
 22 with the following principles: That the level and structure of rates (1)
 23 (2) be sufficient, but not more than necessary to allow the owner or
 24 operator to (A) cover its operating and capital costs, (B) attract needed
 25 capital, and (C) maintain its financial integrity, and yet provide
 26 appropriate protection to the relevant public interests, both existing
 27 and foreseeable; and (3) reflect prudent and efficient management of
 28 the facility operation.

29 (c) Notwithstanding the provisions of subsections (a) and (b) of this
 30 section, the department may approve an interim increase in any rate if
 31 the department determines that such increase is necessary to prevent
 32 substantial and material deterioration of the financial condition of the
 33 owner or operator, to prevent substantial deterioration of the adequacy
 34 and reliability of the facility's operations.

35 Sec. 2. Section 16-1 of the 2008 supplement to the general statutes is
 36 amended by adding subsection (c) as follows (*Effective from passage*):

37 (NEW) (c) Notwithstanding any provision of the general statutes,
 38 the terms "utility", "public utility" and "public service company", as
 39 used in the general statutes, shall include an owner or operator of a
 40 resources recovery facility, as defined in section 22a-207, or a facility
 41 for the disposal or recycling of ash residue from a resources recovery
 42 facility unless such owner or operator is a quasi-public authority or
 43 regional or municipal authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Sec. 2	<i>from passage</i>	16-1
--------	---------------------	------

Statement of Purpose:

To require the Department of Public Utility Control to regulate resources recovery facility tipping fees and to include resources recovery facilities and facilities that dispose or recycle ash residue from resources recovery facilities in the definition of utility and public service company as used throughout the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]